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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/722,244	11/25/2003	Todd R. Carroll	11632N/022020	6655
32885 7590 04/04/2007 STITES & HARBISON PLLC 424 CHURCH STREET SUITE 1800 NASHVILLE, TN 37219-2376			EXAMINER MILLER, WILLIAM L	
			ART UNIT	PAPER NUMBER
			3677	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/04/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/722,244

Applicant(s)

CARROLL ET AL.

Examiner

William L. Miller

Art Unit

3677

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3, 5-25 and 33-42 is/are allowed.
- 6) ☒ Claim(s) 26-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 03-12-2007 has been entered.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the inflation device (claims 9 and 33) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

3. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

4. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required: the inflation device (claims 9 and 33) is not recited in the specification.

Claim Objections

5. Claims 5 and 12 are objected to because of the following informalities: claim 5, line 1, delete “chemical”; and claim 12, line 1, change “1” to --11--. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 26-29 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 02/074217 (hereinafter WO217) in view of WO 99/15128 (hereinafter WO128), and further in view of Langley (US#4833010).

8. WO217 discloses a gas-tight pouch 10 capable of transporting contaminated items, comprising: a polymeric, multi-layered chemical composite barrier material defining an enclosed pouch when end 20 is heat sealed; and an air release valve being viewed as the combination of unidirectional pressure relief valve 24/26 which releases air and adjacent chemisorptive media 48 (page 5, lines 24-29) which filters air.

9. Regarding claims 26 and 29, WO217 fails to disclose an opening and closing device, namely an air-tight zipper, for pouch access and for inserting and removing contaminated items. However, WO128 discloses a similar container 1 including an opening and closing device, namely air-tight zipper 2, for container access and for inserting and removing contaminated items (abstract). Therefore, as taught by WO128, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 by including an opening and closing device, namely an air-tight zipper, to facilitate repeated pouch access and simplify the process inserting and removing contaminated items.

10. Regarding claims 26, 27, and 32, WO217 fails to disclose the composite barrier material as a fabric stitched to form seams. However, as admitted by the applicant on page 13, line 1, of the instant specification, such a fabric barrier material is known per Langley (US#4833010) which teaches utilizing a thermoplastic resin fabric, including polypropylene, low density polyethylene, and polyvinyl(idine) chloride (see abstract), as an effective barrier to chemical permeation. Therefore, as taught by Langley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 such that the composite barrier material was a fabric, namely as a thermoplastic resin fabric including polypropylene, low density polyethylene, and polyvinyl(idine) chloride, stitched to form seams to provide an improved barrier to chemical permeation.

11. Claims 26-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO217 in view of WO128, and further in view of Carroll (US#2001/0051481).

12. WO217 discloses a gas-tight pouch 10 capable of transporting contaminated items, comprising: a polymeric, multi-layered chemical composite barrier material defining an enclosed pouch when end 20 is heat sealed; and an air release valve being viewed as the combination of unidirectional pressure relief valve 24/26 which releases air and adjacent chemisorptive media 48 (page 5, lines 24-29) which filters air.

13. Regarding claims 26 and 29, WO217 fails to disclose an opening and closing device, namely an air-tight zipper, for pouch access and for inserting and removing contaminated items. However, WO128 discloses a similar container 1 including an opening and closing device, namely air-tight zipper 2, for container access and for inserting and removing contaminated items (abstract). Therefore, as taught by WO128, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 by including an opening and closing device, namely an air-tight zipper, to facilitate repeated pouch access and simplify the process inserting and removing contaminated items.

14. Regarding claims 26, 27, and 30, WO217 fails to disclose the composite barrier material as a fabric stitched to form seams. However, as admitted by the applicant on page 15, lines 9-13, of the instant specification, such a fabric barrier material is known per Carroll (US#2001/0051481) which teaches utilizing a fabric barrier material, including a linear low density polyethylene 12 and thermoplastic polyolefin elastomer (TPO) layer 14, as an effective barrier to chemical permeation (see abstract and [0034]). Therefore, as taught by Carroll, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify WO217 such that the composite barrier material was a fabric, including a linear low

density polyethylene and a thermoplastic polyolefin elastomer layer, stitched to form seams to provide an improved barrier to chemical permeation.

15. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO217 in view of WO128 in view of Langley as applied to claim 26 above, and further in view of Langley (US#5169697).

16. WO217 as modified fails to disclose the stitched seams are hermetically sealed via a chemically resistant tape. However, Langley '697 discloses a fabric barrier material wherein its stitched seams are sealed with a chemically resistant tape to enhance chemical resistance (col. 2, lines 24-36). Therefore, as taught by Langley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify WO217 such that the stitched seams were sealed with a chemically resistant tape to enhance chemical resistance.

17. Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO217 in view of WO128 in view of Carroll as applied to claim 26 above, and further in view of Langley (US#5169697).

18. WO217 as modified fails to disclose the stitched seams are hermetically sealed via a chemically resistant tape. However, Langley '697 discloses a fabric barrier material wherein its stitched seams are sealed with a chemically resistant tape to enhance chemical resistance (col. 2, lines 24-36). Therefore, as taught by Langley, it would have been obvious to one of ordinary skill in the art at the time the invention was made to further modify WO217 such that the stitched seams were sealed with a chemically resistant tape to enhance chemical resistance.

Allowable Subject Matter

19. Claims 1-3, 5-25, and 33-42 are allowed.

Response to Arguments

20. Applicant's arguments have been considered but are moot with respect to claims 26-32 in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William L. Miller whose telephone number is (571) 272-7068. The examiner can normally be reached on Tuesday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J. J. Swann can be reached on (571) 272-7075. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

WLM

William L. Miller
Primary Examiner
Art Unit 3677

